.... The 26th meeting of the CIA RETIREMENT BOARD convened at 3:05 p.m. on Tuesday, 14 December 1965, in room 6F25, with the following present:

Mr. Emmett D. Echols, Chairman

25X1A9a

Mr. Paul A. Borel, DDI Member

25X1A9a

MR. ECHOLS: The first item of business is the minutes of the last meeting. Any additions or corrections? (No response.) If not, we will accept the minutes as presented, and go on to Item 2.

I have taken another crack at -- and I hope with more clarity -- the points we are trying to get across to these people so that they will understand this difficult problem that occurs upon designating people who have 15 years of service. And I welcome any criticisms or suggestions.

The only thought I had here -- and that

#### 25X1A9a

detailed wording I think gets the message across pretty well -- is should we address ourselves to the potential refutation by the legal eagles who feel that they qualify for designation and that they thereby will lose .... coverage in the event of death -- or just stay away from it and wait until somebody brings it up -- I mean, I've gotten this from a few people -- you know, ''I may not, but why shouldn't I be covered during this time'' -- and there isn't an awful lot of money involved but it's enough for some of them to say, ''If you read the Bill, I'm entitled to be designated.''

MR. ECHOLS: He is not entitled to be designated if the regulations say otherwise, is he?

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I think you are probably right. You're

putting the burden on the Chief -- which I feel we have taken, and that it's

our decision, really, if we think he stands a chance or if he doesn't.

MR. ECHOLS: I would think we would have to base our case on that -- this system ....(inaudible).... right of the individual as the judgment of the people who are managing his career, etc.

Have you all had a chance to read this? (Board members indicated in the affirmative.) Did we finally succeed in getting the message across?

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15 years of service and gets that third review, if he doesn't have the five years of qualifying service he is dropped out of the system, isn't he?

Does the individual who is approaching

Not until the review takes place six

MR. ECHOLS: That is correct.

25X1A9a

Why are you not proceeding from this point, that one isn't eligible - beyond 15 years - in the system unless they have completed the five years of qualifying service. I was rather surprised to find this came up. I missed the last meeting.

MR. ECHOLS: You just say they're not eligible, period --

25X1A9a

is that it?

Well, I had assumed that up until this moment.

25X1A9a

Jim, if you follow that through aren't you saying a man completes the 10 year review and he has got three years, so he's in the system -- and he doesn't go out again -- then are you saying that when he crosses the 13 year point to where he no longer has time to pick up the two years, that even though he is now a designated participant he would be moved out?

25X1A9a

months before the 15th year, as directed, and at that point he moves out. Now I think you can infer from that that anyone who has acquired 14 and six or more at the time we start this system, and has not the five years, is subjected to the same criteria as the individual who has had 14 and six.

I don't know, maybe you didn't get the flavor of the last discussion -- we actually had cases where the man has two years to go to get a year and yet the Head of the Career Service could say this man doesn't stand a chance in the next two years of going overseas--

25X1A9a

That is a different case.

MR. ECHOLS: If there is no intention and no likelihood of the man acquiring the qualifying service in time--

25X1A9a

here.

And that I think is what you are zeroing in on

MR. ECHOLS: --I don't see any real injustice in this other than the fact that somebody might lose a few percentage points in the event of death or disability, as against the optimum that they could get. But I think this is probably, from an administrative point of view, and practicality, the best approach to the problem.

In paragraph l.b., the second sentence, "An employee with less than one third of fifteen years in qualifying service would not appear to be in a career field regularly requiring the performance of qualifying service and on the basis of factual evidence should be, at least temporarily, disqualified as a participant" -- if that is extended let's say to 30 years - and one-third of 30 is 10 - this man would, unless there were some real question about whether he was in the proper career field, I think unquestionably be qualified for participation in the system. Shouldn't we cite proportions like that in this memorandum, which people might extend to fit their own particular cases?

MR. ECHOLS: That is not the point at all. The point is that you are required to make this 15 year review and you must have 60 months, which is five years or one-third -- that is the only reason for citing the ratio--

25X1A9a

My point was that an individual reading this

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in the regulations: if a man hasn't served 60 months of qualifying service by 15 years of service there is a presumption, if you will, that he is not in a qualifying field of duty.

25X1A9a

But we haven't run into a problem in this area.

The only problem we have run into is the man who still has enough time left to make the five years before his time is up but there's good reason to believe that he won't do it.

MR. ECHOLS: Would you strike paragraph b. entirely?

25X1A9a

I don't know that it adds very much.

MR. BOREL: An employee who in 15 years has not even performed 60 months of qualifying service would not appear to be in a career field--

25X1A9a

Well, this business of "should be temporarily disqualified" sounds like you're introducing some new thought.

MR. ECHOLS: This is one of the questions that comes up all the time: If I am disqualified at this time can I get back in?

MR. BOREL: It's not that he is disqualified. If you say "disqualified" it sounds like he was in and you threw him out.

25X1A9a

Ineligible for participation.

Not "should be" but "is" -- I mean, this is

the law.

25X1A9a

I think the paper gets across all

right what we were talking about last time. I think some of the wording, though, may open up some problems for us. I'd like to just throw out for discussion what the members here feel is meant by serving on a career basis in a field normally requiring the performance of qualifying service. Are there two things involved in that? Does the rest of this group feel there are two things involved in that, that he has got to be serving on a career basis and also be serving in a field which normally requires the performance of—

This statement here, in this same paragraph, where you say: "An employee

with less than one-third of 15 years in qualifying service would not appear to be in a career field--"

Well, it seems to me that the people in the DD/P, or in the CS, are in a career field normally requiring-
But this fellow has not served on a career basis if he has less than his 60 months over 15 years.

Does anybody else have any trouble with that wording?

25X1A9a

I do.

25X1A9a

Yes, I think you can certainly be in the field

but not have had the service.

25X1A9a

Well, wouldn't it be more proper to say:

Yes -- I have no fault to find with that, I

would not appear to have served on a career basis in a field normally requiring-
Is it the service here we're talking about, or is it in a field requiring--

25X1A9a

I'd make it more direct than that -- I would say:
would not, at least temporarily, be eligible to be a participant -- get away from
if he had under the 60 is not eligible. That is the point we are trying to get
across in b., I think.

25X1A9a

think we get that across. I'm just afraid this might raise some problems people coming to us saying, "Look, I am serving in a career field - I'm in
the CS" -- but he may be down in RID and certainly not performing any
qualifying service nor the type of service that would ever get him any
qualifying service in the field, where they could call on him tomorrow to go.
He could say, "I'm in that field that normally performs -- I'm not now serving."

I'd like to ask you, John--

qualifying service.

I think you've got a real point, Mike -- and

I'm right with you, and I wish I had picked that up. But this is inaccurately

stated - he is in a career field but hasn't performed the minimum period of

MR. ECHOLS: How would this be: The Agency's retirement system is designed for employees who are recurringly required to perform qualifying service. An employee who in five years of service has served less

than 60 months of qualifying duty is, on the basis of factual evidence, ineligible to participate.

25X1A9a

No, no. We must have lots of people who have served (two tours) abroad and have let's say about 15 years' service and who in all probability will go again--

**ILLEGIB** 

MR. ECHOLS: But at least temporarily they are ineligible because in 15 years they have not actually met the minimum requirement.

25X1A9a

I don't think that is the criteria for a career group that normally performs overseas service.

25X1A9a

I'd like to try once more -- and I'm wondering why we have to explain the regulation in this case -- if you read paragraph I, it says the criteria for designation of participants in the Agency retirement system include the requirement that an employee with fifteen or more years of Agency service must have at least 60 months of qualifying service to be eligible, period. Then you skip down to paragraph 2: In addition, there is a requirement that an employee with less than 15 years' service but less than 60 months of qualifying service must have sufficient time-- and so on. That is the point we seem to be trying to address ourselves to, and I wonder why we trap ourselves with all this justification of the law.

25X1A9a

would favor what Harry says.

I would, too.

think that makes it more understandable,

really.

25X1A9a

The one thing that rests on its own merit is you have to have five years. Now we're trying to deal with people who don't have the 15 years and the qualifying service, and do have enough time to get it, and now we're saying if the Head of the Career Service thinks he will get it, he should so state, and if he doesn't think he will have it we should defer action on him until such time as he will have it -- and I think that is all

we are trying to accomplish with this letter.

25X1A9a And then paragraph 3 would normally

flow right after that paragraph 2.

25X1A9a Yes, the rest of it is fine.

MR. ECHOLS: You would go from where to where?

25X1A9a As I say, paragraph l is just a statement of

fact to sort of set --

**ILLEGIB** 

MR. ECHOLS: Paragraph 1 includes a. and b.

25X1A9a I'd stop after "participation in the system" --

the 1st sentence -- without giving the reasons for this requirement. Then go down to paragraph 2, and you might start out - "In addition" or "Further,

25X1A there is a requirement in and then just go on. We seem to be getting ourselves in trouble with "a" and "b", which are trying to explain why the Bill was written as it was.

MR. ECHOLS: Well, the purpose was, of course, to explain the reason why, so that people wouldn't feel that this was an arbitrary decision or unreasonable thing.

25X1A9a

I don't know - for one, I haven't run into any problem from people -- they seem to accept the fact that at the end of 10 years they have to have three, and at the end of 15, five.

MR. ECHOLS: Paragraph a. explains the absurdity of being a participant in a system with no right to retire because you don't have the basic, requisite 60 months of duty. This would eliminate, on the part of any individual, really, the desire to get into the system under those conditions, and I thought one of our purposes was to take off the pressure on the part of individuals to get into the system--

25X1A9a

I think it's going a step further than our original problem, which is what do we do about these people we bring in, we think will have enough time and then find out they don't, and we have to pull them out again.

SECRET 25X1A9a Why is this ....(inaudible).... MR. ECHOLS: You're in a retirement system in which you have no right to retire - present or prospective--25X1A9a You don't really run up against that fact until -- your difference of the gap in man qualifying service between five years and what he has, this doesn't really become a problem until he is approaching the age of 60--MR. ECHOLS: Or 50, if he wants to retire--25X1A9a (Continuing): --approaching the age of 50, which is related to the system, or any date beyond 50 on which he requests Why don't you just leave these people in the system until it retirement. becomes a mathematical impossibility for them to retire under it? MR. ECHOLS: Because the regulation says otherwise, Jim. 25X1A9a The regulation also says you throw them out at the end of the 10 year review, and the 5 year review--25X1A9a And as soon as we get to this, as we said at first, we're going to have this problem tenfold--We're dealing with it at the 15 year level only 25X1A9a right now. It seems to me the only justification for dealing with it only on the 15 year level is if you're trying to say to a person: At that period of your work with the Agency you have your right of election if you have your 60 months and 15 years. Now if you made mention of that, it would appear to me that you would be justifying just talking about the 15 years -because, as Jim says, you can get thrown out at the end of five years, under the regulation, and also the 10 year review. I don't know why we are limiting it to 15 years unless it's for that one point, you want to call to the attention of the Career Service that here is a man with thirteen and a half years of service,

**ILLEGIB** 

and four years of

qualifying service, and unless you start thinking

in terms of giving this man more qualifying service his 15 years might expire and he will not have had his 60 months, and the poor man could be thrown out of the system. I thought that was the reason we originally felt we should circulate something like this memorandum. And then last time you came with just the 15 year thing here -- was it for any other purpose?

MR. ECHOLS: Well, I'm just trying to inform people as to what the problem is, first of all, and why it is a problem, and to try to get the heads of the Career Services to recognize the problem and either do something about it before the critical moment or not put people in for whom they cannot make the necessary plans.

25X1A9a

Well, maybe I'm just repeating myself, and I apologize for it, but, as I remember, two meetings ago it arose in this way:

The question arose in the minds of some members of the Board as to whether or not attention was being given to that one statement in the nominating form of the person serving on a career basis in a field normally requiring the performance of qualifying duty -- that we ought to bring that to the attention of the Career Service, that it's a meaningful item that was put in the form.

Then the second suggestion was raised: why not also notify them, so that they will be aware that this man might get thrown out as a participant in the system unless they start thinking in terms of giving him more qualifying service, before his 10 years and before his 15 years.

MR. ECHOLS: Right. And you don't think this memorandum does that?

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It says nothing about the 10 year and the 5 year -it just talks about the 15 year, and I'm just assuming you justify that
because of the importance of the man having an election at the end of the
15 year--

25X1A9a

I think the 15 year is a critical one at this time because at this stage in the process of implementing the Act and the regulation we are dealing with people who are being first nominated and who have had or

are approaching 15 years of service. As time goes on and the system settles down we will be dealing with people who have had only three years of service when they are first nominated, by and large, and there will not be as many --very few, perhaps -- people who have gotten up to 15 years of service before they are first nominated. Therefore, I think that this memorandum is properly concerned with those who are about to reach 15 years. I wouldn't at this time worry about those who are about to reach five or ten years.

25X1A9a No, but the principle is just as applicable.

MR. ECHOLS: I don't think we are debating the principle.

This was trying to convey some information about a problem area to both the individuals and to the Boards involved. And that is its only purpose. It's not a regulation, it's not law. It's just trying to explain the problem area that we are faced with both in the management of people and in the implementation of the system. That is the only purpose, as far as I see. If these points are understood, then we don't need it.

I have a proposal, Mr. Chairman, and that is to leave this memorandum as it is except modifying paragraph b., the second sentence, to read: An employee with less than five years' qualifying service at the end of 15 years of Agency service should be, at least temporarily, ineligible to participate.

ILLEGIB

MR. ECHOLS: I agree with that, very much. Is everybody

agreeable? (Members indicated in the affirmative.)

It leaves

out all this business about career field, and all of that, which is subject to misinterpretation.

Any other observations on this attempt at an explanation? 25X1A

If not, we will go on to a proposed addition to

paragraph ll(c). This is the one which is being widely misinterpreted by

Agency employees, and for obvious reasons. Our legal adviser, John

25X1A9a and myself, collaborated on this. I don't know whether

it does the trick or not.

(No response.)

25X1A9a

I was just a listener. I was just there

for information.

MR. ECHOLS: It does seem to me that the first and second sentences are almost redundant and repetitious.

The last sentence, "The provisions of this subsection will be utilized in determining 'qualifying service' only where retirement action, whether voluntary or involuntary, is impending" -- is it legal? Does this mean that we would not consider domestic qualifying service at all until a guy was about to be retired?

MR. ECHOLS: No, not at all. You have to read all of paragraph ll(c)--

You have to read this in conjunction with the rest of the paragraph. This has nothing to do with domestic qualifying service, as such. It may well be that this service would happen to be domestic service--

MR. ECHOLS: 11(c) pertains only to the placement of an individual at a distinct disadvantage in obtaining other employment -- that is the basic premise of ll(c) - placing the individual at a distinct disadvantage in obtaining other employment. Well, it was our intention originally -- and I think as it was explained to Congress -- that we were concerned about people who in fact were leaving the Agency and at that time were faced with this And for a person to say, theoretically, "Well, should I leave problem. the Agency 20 years hence, I'm going to be at a disadvantage" -- this wasn't On this premise I suppose almost anybody in the contemplated originally. Agency could claim eligibility -- a purely theoretical problem, rather than a factual problem based on their record at the time or about the time an individual was leaving -- one is factual and the other is pure theory. think that this ll(c) provision was in contemplation of imminent separation from the Agency, and only then -- but the regulation as written

ILLEGIB

doesn't say this with any precision, and we think that a clarifying sentence or two would be desirable so as not to mislead people into misinterpretations.

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I suppose if there were only going to be very few of these, it's not a factor, but are we going to beat this business of getting back both the Agency's and the individual's contributions from the Civil Service? If not, we might be faced with pulling into our system someone who has never contributed anything and getting only the Agency's contributions to pay him a retirement for the rest of his life.

MR. ECHOLS: I couldn't possibly answer that question, Harry, for two reasons. One, I don't think a decision has been made to go forward to try to get this --

MR. ECHOLS:

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Yes, it has been approved to go forward.

There's another factor, though, which might possibly overtake this. Four days from now the President's committee charged with the task of proposing ways and means of merging all government retirement systems into one is meeting to review their final report to the We have been privileged to get a copy of this thing, and CIA is President. explicitly excluded at this time, but one of the recommendations is that CIA's and certain other systems be reviewed with regard to the feasibility of also bringing them into this common system. Well, this common system provides only one Fund for the Foreign Service and the Civil Service retirement systems. If we were to come into this retirement system, with even special provisions preserving the benefits that we have -- and getting a lot of others, I might add -- there would be only one Fund, so there wouldn't be any transference of moneys back and forth. So this could happen within the next It does not mean any diminution of our retirement system, or few years. any loss of benefits, but it might mean a single Fund, for example.

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**ILLEGIB** 

Now, what was the nature of your (indicating

inquiry?

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I was only saying, assuming if a man like this

**ILLEGIB** 

25X1X4

Agency duties.

#### SECRET

has not previously been eligible, and now he has finished 25 years and he is ready to retire, and we say, "Okay, he meets this criteria" -- so we bring him into our retirement system but all we get is his contributions to a Civil Service Fund -- I mean, you would be sort of working yourself toward bankruptcy if you had many of these -- because we would be paying him a full annuity based on half the amount in the Fund--

MR. ECHOLS: I don't think what you say, Harry -- which is correct -- has any bearing on it -- I mean, the fact that our funds would be depleted by such action, I don't think is really relevant.

25X1A9a I see. You feel that this type of qualifying service could never be determined ahead of time.

MR. ECHOLS: It should not be -- there is no real purpose in it. For normal career duty you either qualify or you don't qualify on the other standards, other criteria.

25X1A9a If you go back to the beginning, we did mention types of work that we said might qualify -- you know, we mentioned the

-- I don't know, we thought of a few types -who, I thought, at that time, we might make a decision that is qualifying
service and he can be brought in under this. If that was true, then there is
a distinction between bringing him in only at the end or bringing him in
immediately. By this Act you are now saying there is no longer any
possibility of qualifying a man based on his current duties--

MR. ECHOLS: Wait a minute -- again,

if you will, or someone engaged in a very hazardous, dangerous thing, wouldn't

come under ll(c), he would come under ll(b). ll(c) only contemplated the

person who upon separation was going to be at an extremely severe hardship

in getting other employment because of the background and nature of his

25X1A9a And his designation as a participant does not get considered, then, until he is on the verge of retirement.

Next 1 Page(s) In Document Exempt

25X1A9a

No, this would be one under our new system.

I move we offer to designate.

. . . . This motion was then seconded and passed . . . .

MR. ECHOLS: In group D are eight nominations on employees who very shortly - within six months - will complete their 15 years, and so this is not only designation but simultaneous review of their service record.

25X1A9a

Mr. Chairman, I'd like to re-raise that question I raised a few minutes ago, because it would help me decide more easily some of the questions in the next section as well as one case in this section, and that is what is meant by the statement: serving on a career basis in a field that normally requires the performance of qualifying service. It is my understanding that whether we're on the first go-around or not --which is what we are now -- that we still have to look at those six or so criteria for designation. Now do we in these cases say that a person with 60 months or more of qualifying service, and will have completed 15 years of Agency service -- getting close to that period where he has that right of election -- just because he has served his 60 months in qualifying service (the first time we designate), he can be designated if he is no longer serving in that career field.

MR. BOREL: We have done it in a number of cases. This

25X1A9a fellow right here - is in that very situation -- formerly with

now on the Collection Guidance Staff. The Collection Guidance Staff

does not normally send its people overseas. And this has been the case with
a couple of other DD/I people that the Board has approved. We drew the

25X1A9a line last time, as I recall -- I withdrew the application of because while she had served a number of months overseas, there was no (natural) expectation that she would go back.

25X1A9a

The reason I raise it is because the

regulation touches upon that in at least two places --

MR. BOREL: I raised it also, earlier, because of the reluctance on the part of some of our Career Service heads to sign that certification since it was in the present rather than the past tense.

25X1A9a

ago.

I thought we resolved this some weeks

MR. ECHOLS: I thought we had, too.

25X1A9a

That while we were in the process of implementing the Act, any individual who had the 15 years and the five, and (we would have to act) at the time they would have had the 15th review, and were brought in, that no one would have any right to remove them from the system.

25X1A9a

I thought we had resolved that, too.

You mean at the time of the passage of the

Act. Then we might need some information here in addition to this -because suppose the last time the person had served qualifying service was
in 1961 -- and the Act was signed in what? October 1963, wasn't it? -- and
the person had his 60 months' qualifying service but today is serving in an
entirely different component from one that normally does perform qualifying
service.

25X1A9a

Right. It was my impression that there appeared to be a consensus that, even aside from that, if for example a fellow had met the basics of five and 15, and had a complete medical hold, or whatever, he met the minimum, so that is it -- in other words, a liberal approach to the problem of people who have already met this thing. Maybe that wasn't formally agreed to, but it appeared to be a consensus at one time.

MR. ECHOLS: I'm sure our minutes of earlier meetings will show that we did indeed establish this as a basic rule on the initial go-around.

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In other words, if you have your 60 months

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MR. ECHOLS: I might call attention to the technical wording of the regulation. The actual wording of the requirement is - "be serving on a career basis" -- it doesn't say anything about be serving in a career field -- "serving on a career basis in a field which normally requires the performance of qualifying service as an integral part of a career in that field." I think these individuals, even though right today they may be serving in an area of activity that doesn't require overseas service, on a career basis have been serving - preponderantly, even - in a field which did in fact require them and does in fact require them to perform qualifying service as an integral part of a career in that field. And I think this can be stretched without any great violence to integrity or anything like that. who knows what these people are going to be doing four years from now? I don't. Do you think we're going to have any problem, John, on these specific cases that are coming up?

Yes, I think you have a problem with the head of the Career Service. Maybe the head of the Career Service ought to get some advice from the Director of Personnel before those cases come before this Board.

25X1A9a In fact, these people performed their qualifying service in the Clandestine Services -- they subsequently transferred, and the contact service has no intention of ever assigning them overseas.

25X1A9a in and out of that office one man at a time there, and only one out of so many

people ever has a chance of getting there in the course of their career.

MR. ECHOLS: Are these people willing to go if called upon?

25X1A9a I don't know if they have been asked.

They have one other case of a man who is not performing qualifying service for them but has been and is about to go out again on an assignment for the DD/P -- and they're certifying that he is and will perform qualifying service.

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to it that no bridge comes up.

Now may I have a motion to accept these people in

category D?

25X1A9a

So move.

Second.

25X1A9a

MR. ECHOLS: In the last group - group E - are merely designations of 19 people for the system, as meeting the basic criteria.

Believe with but one exception they all meet the criteria of 60 months or

This motion was then passed

more--

25X1A9a And that one is overseas.

MR. ECHOLS: So there really shouldn't be much question here.

25X1A9a I move they all be accepted.

. . . . This motion was then seconded and passed . . . .

MR. ECHOLS: I'd like to mention very briefly that we have been given an advance copy of this Presidential Committee's report on the unification or consolidation of government retirement systems, and I was asked to send a report back to Roger Jones. I think that this group should be fully cognizant of what is going on in the government here, and I think that you should see for yourselves the protections that are built into this thing, at least initially, as far as our new retirement system. We would like to present this to you as soon as we have been able to analyze this thing -
actually, it's about ready. I'd like to give this to this group, preferably at a special meeting some time this week - Friday morning? I don't think it would take more than a half hour. Would you like to do that? I think you would find it very interesting.

The Boar	d members agre	ed to meet	on Friday
17 December 1965,	at 10:15 a.m.		
The meet	ing adjourned at	4·10 n.m.	